

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Norfolk Division**

CSX TRANSPORTATION, INC.,  
individually and on behalf of NORFOLK  
& PORTSMOUTH BELT LINE  
RAILROAD COMPANY,

Plaintiff,

v.

Civil Action No. 2:18-cv-530-MSD-RJK

NORFOLK SOUTHERN RAILWAY  
COMPANY, *et al.*,

Defendants.

\_\_\_\_\_ /

**CSX TRANSPORTATION, INC.’S  
MOTION TO FILE DOCUMENTS UNDER SEAL**

COMES NOW Plaintiff CSX Transportation, Inc. (“CSX”), by counsel, and respectfully submits this Motion to Seal portions of its Consolidated Opposition to Defendants’ Motions to Exclude CSX’s expert witness, Dr. Howard P. Marvel, together with Exhibits 1, 2, 3, 4, 5, and 6 thereto.

CSX seeks to seal these materials because they contain and/or reference information that has been designated as “Confidential” or “Confidential–Attorneys Eyes Only” (“AEO”) by the parties under the Stipulated Protective Order entered in this matter. ECF No. 79 ¶ 16.

In support of this Motion, CSX submits contemporaneously a non-confidential Memorandum in Support of Motion to File Documents Under Seal. CSX has also filed herewith a Notice of Filing a Motion to Seal, as required by Local Civil Rule 5(C). CSX waives oral argument on this motion. A proposed order granting the requested relief is attached hereto.

For the foregoing reasons, CSX respectfully requests that the Court grant its Motion to Seal

and enter the attached proposed order providing for the sealing of these materials.

Dated: November 4, 2022.

Respectfully submitted,

**CSX TRANSPORTATION, INC.**

*By Counsel*

/s/ Benjamin L. Hatch

Robert W. McFarland (VSB No. 24021)

Benjamin L. Hatch (VSB No. 70116)

V. Kathleen Dougherty (VSB No. 77294)

Jeanne E. Noonan (VSB No. 87863)

MCGUIREWOODS LLP

World Trade Center

101 West Main Street, Suite 9000

Norfolk, Virginia 23510-1655

Telephone: (757) 640-3716

Facsimile: (757) 640-3930

E-mail: [rmcfarland@mcguirewoods.com](mailto:rmcfarland@mcguirewoods.com)

E-mail: [bhatch@mcguirewoods.com](mailto:bhatch@mcguirewoods.com)

E-mail: [vkdougherty@mcguirewoods.com](mailto:vkdougherty@mcguirewoods.com)

E-mail: [jnoonan@mcguirewoods.com](mailto:jnoonan@mcguirewoods.com)

J. Brent Justus (VSB No. 45525)

Ashley P. Peterson (VSB No. 87904)

MCGUIREWOODS LLP

Gateway Plaza

800 East Canal Street

Richmond, Virginia 23219-3916

Telephone: (804) 775-1000

Facsimile: (804) 698-2026

E-mail: [bjustus@mcguirewoods.com](mailto:bjustus@mcguirewoods.com)

E-mail: [apeterson@mcguirewoods.com](mailto:apeterson@mcguirewoods.com)

**CERTIFICATE OF SERVICE**

I certify that on this 4th day of November, 2022, a true and correct copy of the foregoing was served on all counsel of record via Notice of Electronic Filing by filing with the Court's CM/ECF system.

/s/ Benjamin L. Hatch

Robert W. McFarland (VSB No. 24021)  
Benjamin L. Hatch (VSB No. 70116)  
V. Kathleen Dougherty (VSB No. 77294)  
Jeanne E. Noonan (VSB No. 87863)  
MCGUIREWOODS LLP  
World Trade Center  
101 West Main Street, Suite 9000  
Norfolk, Virginia 23510-1655  
Telephone: (757) 640-3716  
Facsimile: (757) 640-3930  
E-mail: [rmcfarland@mcguirewoods.com](mailto:rmcfarland@mcguirewoods.com)  
E-mail: [bhatch@mcguirewoods.com](mailto:bhatch@mcguirewoods.com)  
E-mail: [vkdougherty@mcguirewoods.com](mailto:vkdougherty@mcguirewoods.com)  
E-mail: [jnoonan@mcguirewoods.com](mailto:jnoonan@mcguirewoods.com)

J. Brent Justus (VSB No. 45525)  
Ashley P. Peterson (VSB No. 87904)  
MCGUIREWOODS LLP  
Gateway Plaza  
800 East Canal Street  
Richmond, Virginia 23219-3916  
Telephone: (804) 775-1000  
Facsimile: (804) 698-2026  
E-mail: [bjustus@mcguirewoods.com](mailto:bjustus@mcguirewoods.com)  
E-mail: [apeterson@mcguirewoods.com](mailto:apeterson@mcguirewoods.com)